

**CITY OF LODI  
INFORMAL INFORMATIONAL MEETING  
"SHIRTSLEEVE" SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, JULY 10, 2001**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, July 10, 2001 commencing at 7:00 a.m.

**A. ROLL CALL**

Present: Council Members – Hitchcock (arrived at 7:03 a.m.), Howard, Land, Pennino and Mayor Nakanishi

Absent: Council Members – None

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

**B. CITY COUNCIL CALENDAR UPDATE**

City Clerk Blackston reviewed the weekly calendar (filed).

Announcements

City Manager Flynn reminded Council that a Town Hall meeting has been scheduled for August 29<sup>th</sup> on the topics of water, sewer, electric rates, and reverse frontage walls. He also announced the following:

- July 31, 12:00 p.m., Hutchins Street Square, Kirst Hall – Retirement party for Public Works Management Analyst II Sharon Blaufus;
- July 27 – Open Space Forum in Sacramento;
- August 27 – City Employees Association, Sacramento River Cats Baseball event; and
- July 28, 11:00 to 5:00 p.m. – Annual Employee Picnic.

**C. TOPIC(S)**

**C-1 "Art in Public Places"**

Janet Hamilton, Management Analyst II, reminded Council that nearly two years ago they had directed staff to develop a public art policy. She thanked Rad Bartlam, Richard Prima, Janet Keeter, Roger Baltz, Theresa Yvonne, Charlene Lange, and Dixon Flynn for their assistance in developing the Public Art Policy (filed). She stated that the Council believes community amenities like cultural facilities and programs, art and music festivals, parks, and restored historic areas promote the identity of Lodi and that these amenities add vitality to the city, attract business investment, stimulate visitor trade, and increase retail activity. Ms. Hamilton stated that the Council recognizes the need for public art elements to enrich the lives of Lodi residents and visitors, to improve the visual quality of the built environment, and to serve as a catalyst for tourism, business relocation, and economic expansion within the community. She referenced a "blue sheet" handout distributed to Council entitled "How the Arts Can Impact the Economic Vitality of Our Cities" (filed). Various funding sources allow cities to designate a certain percentage of project costs to public art. As an example, the PG&E substation wall mural was funded jointly by PG&E and the Human Services Agency of San Joaquin County.

With the aid of overheads (filed), Ms. Hamilton displayed photos of public art examples. She noted that while developing the policy, staff reviewed public art policies from 24 other cities and received input from the Arts, Planning, and Recreation Commissions. She submitted a table with criteria comparisons from 47 cities (filed). Funding would come from 2% of the eligible Capital Improvement Projects (CIP). Developers have agreed to a percentage of the Development Impact Fees being set aside for an art element. The Arts Coordinator would oversee the program, and an Art Advisory Board would be comprised of one member from the Arts, Planning, and Recreation Commissions. An Artist Selection Committee would be chosen for each project. Staff anticipates bringing the Public Art Policy back to Council for consideration at the second meeting in August.

Community Development Director Bartlam spoke about the city of Brea's public art policy and noted that their projects are often referred to by the art piece element associated with them. Mr. Bartlam believed that public art is a quality of life issue, and a quality of the built environment that a city chooses to portray.

City Manager Flynn explained that under many of the federal guidelines, there is a certain percent of any capital project that is set aside for public art. The Transportation Development Act (TDA) allows up to 5% of projects to be used as public art. The city of Brea requires private developers to contribute to public art. Brea also hired two employees who were sculptors. Lodi staff met with the development community who suggested taking a percentage out of the Development Impact Fees for art. Mr. Flynn pointed out that not all projects are funded by Impact Fees. Two percent could also be from the City's General Fund, TDA, gas tax, or other project funding source. A matching program could also be created for the private sector.

In answer to Council Member Howard's questions, Mr. Flynn explained that the policy allows for flexibility in spending the fees collected in the art fund (i.e., the fees would not necessarily have to be spent in the year that they were collected). He expressed confidence that the individuals serving on the Arts Advisory Board would not allow nudity in a public art piece. Size of the art would depend on the location. Certain playground equipment is considered art and could be quite large. Routine maintenance would be the responsibility of the department that oversees it. Cost for damage repairs would be reviewed by the Board and paid through the art fund.

Council Member Howard felt that the City has supported art in public places in the past and continues to do so. As examples, she cited the All Veteran's Memorial Plaza and the bronze cranes in the train station fountain. The City has already been utilizing funds from different resources for the inclusion of art in projects, and she did not believe it was necessary to allocate an additional source. Ms. Howard expressed support of a policy to be used as a guideline for public art, but did not believe it would be the best use of City funds to earmark 2% from Development Impact Fees.

Council Member Hitchcock stated that the City's Development Impact Fees are just enough to pay for infrastructure. If 2% is used for public art, there would be insufficient funds for projects.

Mr. Flynn explained that projects are rarely completed for the exact amount estimated, and the Contingency Fund would allow for the 2% difference.

Mayor Pro Tempore Pennino agreed with Council Member Hitchcock. He suggested adding a line item for Art in Public Places. In addition, he stated that he would not support the policy unless the Council has final approval of the art. The Art Advisory Board should report to the Council.

Council Member Land concurred with Mr. Pennino's statements.

Mayor Nakanishi stated that the City has many large projects that need to be completed. He did not believe the City should be in the business of acquiring and maintaining art – and pointed out that “art is in the eye of the beholder” and value differs according to individual perception. He agreed with Ms. Howard's earlier comments and expressed strong opposition to taking 2% from Development Impact Fees, stating that it would reduce the amount needed for projects. He felt that while the City put \$10 million toward the Community Center, they neglected recreation projects such as the Indoor Sports Complex.

Council Member Hitchcock warned that as the City grows, art will not be part of public projects unless there is a policy in place that requires it. She stated that art makes a well-rounded community, and it should be a part of all eligible projects. She suggested adding 1% to the cost of the project, as many other cities require in their art policies.

In answer to Mayor Nakanishi, City Manager Flynn estimated that the projected cost of construction projects over the next 15 years would be \$98 million.

Mayor Nakanishi stated that 2% of the \$98 million (\$2 million) could pay for the Aquatics Center. He emphasized the importance of prioritizing the community's needs and reiterated his opposition to staff's art policy proposal.

Council Member Howard commented that the City currently has an excellent Arts Commission, and art programs and performances. The City is supporting arts in the community by funding \$800,000 a year toward Hutchins Street Square, as well as encouraging the Downtown Lodi Business Partnership to bring art venues to Lodi.

Mayor Pro Tempore Pennino offered the suggestion of having 1% of any commercial/industrial project over \$50,000 set aside for art, either in their own building, or elsewhere in the community.

Mr. Bartlam stated that there is a need to separate residential from commercial/industrial when considering art policy implementation. He remarked that it is very difficult to legislate what art is, and particularly to private entities.

NOTE: Council Member Hitchcock left at 8:17 a.m.

COMMENTS BY THE PUBLIC:

- Frank Alegre strongly objected to allocating 2% of projects toward art. He pointed out the need for additional maintenance employees in the Parks and Recreation Department so that parks and playing fields can be properly maintained. He believed that Council should consider art projects one at a time, as they have been, and not shift control to an Arts Advisory Board. If developers are asked to pay an additional 2% in Impact Fees above the 30% they have recently agreed to, they will pass the extra cost on to homeowners/taxpayers.

Council Member Land reported that in the past 10 years the City has done complete or partial renovations of each of the 26 parks in the community. He could not recall a time during the last four years that he has served on the Council, when the Parks and Recreation Department was denied a request. He recommended that Mr. Alegre work with the Parks and Recreation Director on pointing out areas of deficiency.

Mr. Flynn acknowledged that staff needs to do more to maintain recreation activity fields. He explained that there is a catch basin at Salas Park and damage occurs when soccer is played on the damp, softened ground. There is greater use of the City's parks than ever before, which is why attempts are being made to increase the number of fields.

- John Johnson agreed that the City's parks are not being maintained properly. Lodi Sports Foundation contributed a large sum of money toward Zupo Field, and yet the grass is nearly dead, the field is often muddy, it is not chalked properly, the outfield fence has holes in it, and the fence near the dugouts is falling down. He believed that an additional assessment for art would be more appropriate than taking a percentage out of Development Impact Fees. He commented that the issue of Impact Fees has not yet been discussed with the Parks and Recreation Commission. He felt that art should be a secondary consideration, after projects are completely funded and built.

Mayor Pro Tempore Pennino made the following recommendations:

- Bring the Public Art Policy back to Council for further discussion/consideration;
- Amend the policy to require that Council give final approval on Art Advisory Board recommendations;
- He supported 2% of City CIP projects for art; 1% or ½% on commercial/industrial projects; and no impact on residential fees.

*Continued July 10, 2001*

**D. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS**

None.

**E. ADJOURNMENT**

No action was taken by the City Council. The meeting was adjourned at 8:28 a.m.

ATTEST:

Susan J. Blackston  
City Clerk

## Mayor's & Council Member's Weekly Calendar

### WEEK OF JULY 10, 2001

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Tuesday, July 10, 2001

- 7:00 a.m.            Shirtsleeve Session  
                         1.     Art in Public Places
- 7:30 a.m.            Assemblyman Pescetti's Community Cabinet Breakfast, Perko's, Lodi.
- 6:15 p.m.            Nakanishi. Hospice of San Joaquin Annual Awards Dinner, Elkhorn Country Club, Stockton. Dinner at 7:00 p.m. and Program at 8:00 p.m.
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Wednesday, July 11, 2001

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Thursday, July 12, 2001

- 11:00 a.m.           Memorial Service for previous Lodi City Manager Hank Graves, Hutchins Street Square, Main Theater
- 12:00 p.m.           Nakanishi. 2001 Walk To Cure Diabetes Kick-Off Luncheon, Raddison Hotel, Stockton.
- 6:30 p.m.            Hitchcock. CVD Quarterly Dinner Meeting, Turlock. Dinner at 7:00 p.m.
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Friday, July 13, 2001

- 3:30 p.m.            Meeting with Assemblymember Sarah Reyes on the update on the progress of AB 31, Assembly Room of the Hugh M. Burns State Building, Fresno.
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Saturday, July 14, 2001

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Sunday, July 15, 2001

- 10:00 - 12 noon     Nakanishi. National Softball Association, Modesto A's, and the Modesto CVB hosting softball tournament opening ceremonies at John Thurman Field, Modesto.
- Stockton's 2001 Mayor's Invitational Golf Tournament, Swenson Park Golf Course.
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Monday, July 16, 2001

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## CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Presentation of the Public Art Policy for the City of Lodi

**MEETING DATE:** July 10, 2001

**PREPARED BY:** Janet L. Hamilton, Management Analyst

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**RECOMMENDATION:** None

**BACKGROUND:**

The City Council believes that amenities such as public art add vitality to the City, attract business investment, stimulate visitor trade, and increase retail activity. A Public Art Program would enrich the lives of residents and visitors by enlivening the visual quality of the built environment. Accordingly, the City Council has directed staff to develop a policy that would guide the City in establishing a quality Public Art Program.

The attached policy draft is submitted to the Council in response to this request. Similar drafts have been distributed to various staff members, the Arts Commission, Planning Commission, and Recreation Commission for review. Staff anticipates that this policy will be brought back to Council in August for approval.

**FUNDING:** None

Respectfully submitted,

Janet L. Hamilton  
Management Analyst

APPROVED: \_\_\_\_\_

  
H. Dixon Flynn -- City Manager

Public Art  
Policy  
for the  
City of Lodi

July 2001

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# Public Art Policy for the City of Lodi

## I. GENERAL

### A. INTRODUCTION

The Public Art Program has been established to promote permanent works of art accessible to the general public throughout the City. The program is intended to enrich the lives of residents and visitors by enlivening the visual quality of the built environment. The City Council believes that community amenities like cultural facilities, art and music festivals, open space, parks and restored historic areas promote the identity of Lodi. Amenities such as these add vitality to the City, attract business investment, stimulate visitor trade, and increase retail activity. Accordingly, the City Council has established these policies and procedures to implement a public art program.

With the mission to develop, sustain, and promote the visual arts, the goals of this program are to:

1. Preserve and enrich the City's environmental quality by encouraging the visual arts in public places for both public and private development.
2. Reflect the unique and diverse history, people, and geography of Lodi as an essential part of the City's identity and quality of life.
3. Promote opportunities for public participation in and interaction with public artworks and artists.
4. Expand access to the arts for residents and visitors, with special attention to the needs of under-served audiences, such as children, low-income families, senior citizens, and disabled persons.
5. Institutionalize the Public Art Program through policies, plans, and procedures to ensure the viability of the program and the public art collection.

### B. DEFINITIONS

- A. Artist: A practicing professional skilled in the design and/or creative production of aesthetic objects whose qualifications are demonstrated by recognition or stature within their field and/or through reputation and/or exhibitions.
- B. Art Advisory Board: A Board of citizens made up of one representative from the Planning Commission, the Recreation Commission, and the Art Commission to review public art projects for quality control and to recommend and approve artworks and artists for the public art program.
- C. Art Commission: A commission made up of citizens to advise the City Council on the overall arts and cultural activities in the City.
- D. Planning Commission: A commission made up of citizens to advise the City Council on the planning and development activities in the City.
- E. Recreation Commission: A commission made up of citizens to advise the City Council on the recreation and park activities in the City.
- F. Public Art Fund: A fund established to account for revenues to be used in the Public Art Program. The funds that are transferred to the Public Art Program include but are not limited to "2% of development impact fees", State and Federal grants and subventions for capital projects, gifts and donations from private individuals for public art, and appropriations to Capital projects from the City's capital project funds (general fund, electric, water, sewer, transportation).
- G. Public Art Collection: All City-owned artworks.

- H. Artwork: A tangible creation by an artist, whether in a single art object, an environment, or landscape, created solely by that artist or in collaboration with a design team.
- I. Public Places: All spaces, indoors or outdoors, which are generally accessible to the public.
- J. Annual Public Art Plan: A budget plan for art projects approved by the Art Advisory Board following review of the proposed capital projects, including a prioritized list of projects with an art element approved annually by the City Council.
- K. Art Allocation: The percent of the total approved construction cost set aside for the design and installation of public art.
- L. Artist Selection Committee: A committee selected by the Art Advisory Board to develop a specific project by reviewing credentials, proposals, and/or materials submitted by artists.

### **C. ADMINISTRATIVE POLICIES**

The following administrative policies are intended to guide the City in managing the Public Art Program:

1. The City will encourage the inclusion of visual arts in new public and private development projects through the development review process.
2. The City will evaluate and where appropriate, revise the General Plan, Zoning and Subdivision Regulations and other pertinent policies and standards to provide incentives for and remove obstacles to public art.
3. The City will develop and implement administrative policies to fund public art acquisition and administration.
4. Funding for public art planning and development will be included in the City's Capital Improvement Budget. This may include matching funds to be used to encourage public art in private development.
5. Public art will be included as an element in City projects such as parks, City buildings, public plazas, and major street projects.
6. Two percent of the estimated cost of a public project, for appropriate projects, will be included in the project from revenues previously identified.
7. Projects receiving matching funds must provide a clear public benefit and advance the City's public art goals.

### **D. GUIDELINES FOR PUBLIC ART**

The following guidelines are described to help artists, citizens, the Art Advisory Board, Council Members and staff understand the City's expectations for public art. They are not intended to unduly restrict creative expression or limit the types of public art possible. Rather, they are intended to achieve the best possible mating of site and artwork, and guide what is essentially a form of communication between the artist and the community. They are interpreted by the City Council and Art Advisory Board with assistance by the City's Art Coordinator and Art Commission.

1. Public art will be easily accessible from a public right-of-way.
2. The design and placement of public art will not impede pedestrian or vehicle traffic or conflict with public or private easements.
3. Public art will be compatible with the immediate site and neighborhood in terms of architectural scale, materials, land use, and the historical and environmental context of the site.
4. Public art will be integrated with the site and include landscaping, lighting, interpretive information and other amenities where appropriate.

5. Permanent public art will be constructed of durable, high-quality materials and require minimal or no maintenance.
6. A variety of artistic expressions is encouraged. Expressions of profanity, vulgarity, or obvious poor taste are inappropriate.
7. Artwork will reflect a high level of artistic excellence.
8. Public art will not directly or indirectly cause adverse environmental effects or otherwise jeopardize public health, safety, or welfare.
9. Artwork designed and/or sponsored by San Joaquin County residents, businesses, or organizations will be given a preference.

#### **E. ELIGIBLE ARTWORKS**

The City collection will represent a broad range of artistic styles, tastes, and media. It does not support exclusively artworks of any particular school, style, taste, or medium, and it takes into account a broad range of cultural backgrounds, gender, and ages.

#### **F. INELIGIBLE ARTWORKS**

The following artworks are not eligible under the City's Public Art Program:

1. Directional elements such as super-graphics and signage except where these elements are integral parts of the original work of art or public art project.
2. Art objects that are mass-produced of standard design such as playground equipment, fountains, or statuary objects.
3. Reproductions, by mechanical means, of original works of art, except in cases of film, video, photography, printmaking, or other media arts.
4. Decorative, ornamental, or functional elements or architecture except:
  - a) where these elements are designed by the artist, and/or
  - b) are an integral part of the artwork by the artist, and/or
  - c) are the result of a collaboration among design professional, including at least one artist.
5. Landscape architecture and landscape gardening except where these elements are designed by the artist and/or are an integral part of the artwork by the artist or are the result of collaboration among design professionals, including at least one artist.
6. Services or utilities necessary to operate or maintain the artwork over time.

## **II. RESPONSIBILITIES**

### **A. GENERAL**

The responsibilities described below are provided to ensure that art projects are developed in accordance with the policies of the City Council. They are reasonably broad and are intended to assist the responsible parties in developing an art project.

### **B. RESPONSIBILITIES**

#### **City Council**

1. Review and approve the annual Public Art Plan submitted by the City Manager.
2. Approve contracts with selected artist for projects over \$5000.

#### **Art Advisory Board**

1. Responsible for the Public Art Program, including the recommendation of policies and guidelines, project oversight, and maintenance of the art collection.
2. Advise the City Council on the annual Public Art Plan.
3. Review the annual Public Art Plan.
4. Review the annual maintenance needs.
5. Appoint the Artist Selection Committee.
6. Advise the City Council on proposed gifts, exhibitions and loans.
7. Approve Art Projects.

#### **Art Coordinator**

1. Develop the annual Public Art Plan with budgets and recommendations for design team collaborations for review by the Art Advisory Board.
2. Prepare a report on the maintenance needs for review by the Art Advisory Board.
3. Establish a review process for proposed gifts, exhibitions, loans of City artwork, long-term loans to the City and make recommendations to the Art Advisory Board.
4. Develop, when feasible, written instructions to each Artist Selection Committee that outlines objectives and parameters of the project without limiting which artist the panel may consider and that designates whether or not a project is to be a design collaboration.
5. Ensure that local and regional artists are given due consideration in every project.
6. Review and recommend to the Art Advisory Board the selection of the Artist Selection Committee.
7. Recommend public art policies and procedures to the Art Advisory Board.

#### **City Departments**

1. Determine, in consultation with the Art Coordinator, whether a project is to be developed by a design team.
2. Review the annual maintenance needs report to determine a work plan.
3. Include two percent for artist services; artwork and maintenance in all capital improvement plan requests, unless specifically excluded.

**Artist Selection Committee**

1. Be composed of at least three persons from the following categories:
  - a. Voting Members
    - i. One person from the neighborhood in which the artwork will occur
    - ii. One artist
    - iii. One representative of the City Department participating in the project
2. Non-Voting Advisors
  - i. Project Manager on the project
  - ii. Design team members, if selected
  - iii. Art Coordinator
3. Be chaired by the representative of the Department.
4. Meet in open session.
5. Develop the project based on the directions given by the Art Advisory Board, including site, medium/media, scope of the project, method of artist selection, and other relevant considerations.
6. Review credentials, proposals and/or materials submitted by artists.
7. Recommend to the Art Advisory Board, an artist or artists to be commissioned for the project or an artist whose existing work is to be purchased for the project.

**Artist**

1. Submit credentials, proposals, and/or materials as directed for the consideration by the Artist Selection Committee.
2. If selected, execute and complete the work, or transfer title of an existing work, in a timely and professional manner.
3. Work closely with the project manager and/or design professionals on commissioned projects.
4. Submit to the Art Advisory Board for review and approval any significant change in the scope of the project, color, material, design, or setting of the work.
5. Be responsible for all phases of the project as stipulated in the contract.
6. Make a public presentation, conduct a community education workshop, or do a residency at an appropriate time and appropriate forum in the community where the artwork will be placed or the project will occur, if required by contract.

**Arts, Planning, and Recreation Commissions**

1. Appoint one member to the Art Advisory Board.

### **III. FUNDING**

#### **A. GENERAL**

1. The Art Advisory Board will review the new and projected capital projects to determine eligibility for the Public Art Program. Capital equipment purchases and capital maintenance projects, such as replacement of utilities, turf, and pavement are not eligible for this program.
2. The Art Coordinator will confirm with the Finance Director that annual appropriations have been made and transferred to the Public Art Fund at the time the City Council appropriates funds for a capital project not including Development Impact Fee transfers. The transfer to the Public Art Fund will be two percent (2%) of the estimated project cost for eligible projects approved for construction with an estimated cost of \$50,000 or more.
3. The Art Coordinator will confirm with the Finance Director and the Public Works Director the transfer of funds from the Development Impact Fees (2%) at the time fees are paid.
4. The Art Coordinator, in consultation with the appropriate City Departments, will develop a Public Art Project Plan that includes the budget and recommended design approach for each project.
5. The Public Art Fund may be used to provide matching funds for "public art" in private development projects.
6. The Annual Plan will be submitted to the Art Commission for review.
7. The Annual Plan will be submitted to the City Manager for review and approval.
8. All City Departments will be responsible for including two percent (2%) of a capital project budget for artists' services and artwork.
9. The Art Advisory Board may, from time to time during the course of the year, modify the Public Art Plan. The City Council will review and approve any significant changes in sites or dollar allocations in the approved Public Art Plan.

#### **B. USE OF PUBLIC ART FUND**

The funds allocated to the Public Art Program may be used for the following services and purchases:

1. Artist's services and fees.
2. Acquisition of original artwork.
3. Artist selection processes and model or design fees.
4. Extraordinary repair, maintenance, and other preservation work necessary to keep in standard condition all artwork in the City collection.
5. Funds may not be used for real property acquisition, demolition, remediation, equipment, or financing costs. Publicly assisted residential construction or rehabilitation projects, and site-survey-related costs will not be subject to the calculation.
6. As matching fund for private art projects.
7. Up to 10 percent (10%) of the Public Art Fund may be used for:
  - Project administration
  - Community education programs, publicity, and dedications
  - Identifying plaques
  - Other purposes as deemed necessary by the Art Advisory Board

### **C. INCENTIVES FOR PUBLIC ART**

To promote the inclusion of public art in private projects, the City will undertake, as appropriate, the following steps to implement this Program:

1. Increase matching funds and allow unused funds to accrue from one budget cycle to the next.
2. Consider allowing density bonuses or height exceptions to projects that include public art tied to open space at ground level. For example, a project that includes a sculpture and mini-plaza might receive height or coverage exceptions to allow additional floor area comparative to the area devoted to public art.
3. Clarify sign regulations relative to public art.

### **D. GRANT FUNDING**

The City may provide grant funding from the Public Art Program to encourage public art. For every dollar of private investment, the City may match the expenditure on a dollar-for-dollar basis. Art projects receiving matching funds should provide a clear public benefit and advance the City's public art goals.

Projects seeking matching funds will require City Council approval. The Council will use the following criteria in evaluating funding requests:

1. Artwork will be located:
  - a. On publicly owned property or right-of-way, or
  - b. On private property if the artwork is secured through a public art easement.
2. Artwork should promote the City's goals for public art.
3. The applicant has demonstrated sufficient experience and ability to successfully complete public art projects.
4. Projects that make creative and efficient use of resources will be given a preference.
5. Artwork designed and/or sponsored by San Joaquin County residents, businesses, or organizations will be given a preference.
6. The City will be named as an additional insured and indemnified during construction and installation of the artwork.
7. Permanent artwork receiving City funds will become City property.

### **E. DONATIONS**

Although artwork is located in public view, the intent of the City's Public Art Program is that art located on private property be a part of the fixed assets of that property. The City does not encourage the donation of public art to the City. However, in rare special cases where it is impossible for a piece of art to remain on private property and/or be maintained by the property owner, the City may consider accepting the donation of the artwork.

Property owners may submit a written request to the City describing the unique circumstances and the reasons why they are requesting the City to accept the donation of the artwork. A review process will be established by the Art Advisory Board to meet the following objectives:

1. Provide uniform procedures for the review and acceptance of gifts and loans of artwork to the City of Lodi.
2. Assign responsibility to the appropriate department for the management and maintenance of the City's artwork.

3. Facilitate the placement of artworks in City facilities or in the public right-of-way.
4. Provide appropriate recognition to donors of artwork.

The review process will use the following criteria:

1. Aesthetic considerations, to assure artworks of the highest quality, based on a detailed written proposal, concept drawing for the project, photographs of the artwork, if existing, and documentation of the artist's professional qualifications.
2. Financial considerations based on cost of implementation, sources of funding, a maintenance agreement between the City and the donor and estimated cost to the City over the life of the artwork.
3. Liability based on susceptibility of the artwork to wear and vandalism, potential danger to the public, and special insurance requirements.
4. Environmental considerations based on physical appropriateness to the site and scale of the artwork.

Exceptions to the review process:

1. Artwork or exhibitions loaned for display on City property on a temporary basis will not be subject to the standard review process. Review and approval will be the responsibility of the department with jurisdiction over the space involved, based nevertheless, on standards delineated in the Public Art Program Policies.
2. Displays at cultural centers and art museums are not subject to the review process.



## **IV. MANAGEMENT OF PUBLIC ART**

### **A. COLLECTION REVIEW STANDARDS**

At least once, in every 10-year period, the City art collection should be evaluated, whether by the Art Coordinator or by an independent agent, for the purpose of collection management and in order to assess the collection's future. The City will retain the right to de-accession any work of art accessioned into the City's collection regardless of the funding source for that work.

A review process will be established by the Art Advisory Board to meet the following objectives:

1. Establish a regular procedure for evaluating artworks in the City collection.
2. Establish standards for the acquisition of artworks.
3. Insure that de-accessioning of artworks is governed by careful procedures.
4. Insulate the de-accessioning process from fluctuations in taste – whether on the part of the City, the collection's responsible body, or on the part of the public.

A review process for acquisitions to the City collection will use the following criteria:

1. Acquisition should be directed toward artworks of the highest quality.
2. Acquisition of artworks implies a commitment to preservation, protection, maintenance, and display for public benefit.
3. Acquisition of artworks, whatever the source of funds, should imply permanency within the City collection, so long as physical integrity, identity, and authenticity are retained; so long as physical settings remain intact; and so long as they remain useful to the purposes of the people of the City.
4. In general, artworks should be acquired with respect to copyrights and certain clearly defined residual rights that are part of a contract with an artist.
5. The acquisition procedures should ensure that the interests of all concerned parties are represented, including the public, the art community, and the City.
6. A legal instrument of conveyance, transferring title of the artwork and clearly defining the rights and responsibilities of all parties, should accompany all acquisitions. Complete accessioning records should be made and maintained for all artworks.

Artwork may be considered for review toward de-accessioning if one or more conditions, such as the following apply:

1. The site for the artwork has become inappropriate because the site no longer is accessible to the public or the physical setting is to be destroyed.
2. It has received consistent adverse public reaction for over a period of 10 or more years from a measurably large number of individuals and/or organizations.
3. The department that displays the artwork requests de-accessioning.
4. It is fraudulent or not authentic.
5. It possesses faults in design or workmanship.
6. It causes excessive or unreasonable maintenance.
7. It is damaged irreparably, to an extent where repair is unreasonable or impractical.
8. It represents a physical threat to public safety.
9. A suitable place for display no longer exists.

10. The work is not, or is rarely displayed.
11. A written request from the artist has been received.

## **B. MAINTENANCE AND CONSERVATION**

A review process will be established by the Art Advisory Board to meet the following objectives:

1. To ensure regular maintenance of artworks in the City's collection in order to maintain them in the best possible condition.
2. To provide for the regular inspection for condition and location of artworks in the City's collection.
3. To establish a regular procedure for effecting necessary repairs to artworks in the City's collection.

## **C. RESPONSIBILITIES**

### **Artist**

1. Within the terms of a contract, the artist will guarantee and maintain the work of art against all defects of material or workmanship for a period of one-year following installation.
2. Within the terms of a contract, the artist will provide the Art Coordinator with drawings of the installation and with detailed instructions regarding routine maintenance of the artwork.
3. Within the terms of a contract, all repairs and restorations which are made during the lifetime of the artist will have the mutual agreement of the City and the artist and, to the extent practical, the artist will be given the opportunity to accomplish such repairs at a reasonable fee.

### **Art Coordinator and City Departments**

1. All maintenance and repairs will be the responsibility of the Department in which the artwork is located.
2. The Department will not affect any maintenance or repairs to artworks without the prior consent of the Art Coordinator.
3. The Department will not move any artwork from the site for which it was selected, nor remove it from display without the consent of the Art Advisory Board.

filed 1-10-01

## **How the Arts Can Impact the Economic Vitality of Our Cities**

Notes from League of California Cities Meeting

October 1999

- Can add vitality to community, attract investment, stimulate visitor and tourist trade, increase downtown retail activity
- help to improve cities' images
- places that are attractive to people will have a competitive edge for job-creating investments
- important tools for maintaining and increasing private investment
- public/private partnerships bring success
  - In Walnut Creek
    - City saw a 33% increase in TOT earnings (\$250,000) from restaurants after cultural center opened
    - Receipts from city owned parking garage grown by 85%
    - Also pays important social and educational dividends

### **Statistics**

- Arts are good for economy in a local area
  - Non-profit arts are currently a \$36,800,000,000 industry in America
    - Larger than police and fire industry
    - Larger than legal services industry
    - Slightly smaller than the building construction industry
    - Accounts for 1,300,000 full time jobs
    - Contribute over \$800,000,000 to local revenues
    - \$1,200,000,000 contributed to state tax coffers
    - \$3,400,000,000 to federal government
- In order to attract quality work force, cities must offer a wide variety of cultural and artistic services and programs
- Studies have shown that vandalism rate is cut in half when art programs are implemented
- 
- Many cities designate a non-profit organization to be its arts agency with city staff or an elected official on the board
- Some form "cultural district", e.g. In downtown, formed by City Council
  - A geographically identifiable region where arts activities are focused to establish a "critical mass"
  - Collection of cultural facilities in downtown area
  - Focus most of cultural activities in this area
  - Can be a business improvement district, as taxing mechanism
  - Some use TOT funds

- City of Ventura saw dramatic increase in TOT tax earnings a year after program was implemented
- Question from Lodi, Tim Methias:  
How would a city go about updating strategic plan for cultural programs and ensure community support?
  - In Ventura county:
    - 18 month project included 200 residents
    - private research firm established plan
    - presentations to various service groups asking for input on what people wanted and informing members of benefits of cultural programs
    - 200 people showed up for first meeting at City Hall
    - takes into account heritage and history

**Need:** a qualified arts administrator, a full-time staff member  
enlightened leadership  
good programming

- Question from Lompoc:  
What fiscal commitment is required?
  - Trinity County: \$60,000 (40,000 comes from state, SLP in county)
  - Los Angeles: \$11,500,000
  - 1 full time employee and some programmatic money
  - \$100,000 for any kind of program at all, some from general fund, some from TOT ( in larger cities, funds come exclusively from TOT), some corporate sponsorship, some cities have taxed specific services such as video rentals

filed 1-10-01

## ART IN PUBLIC PLACES CRITERIA BY CITY

CITY	YEAR	SCOPE	ALLOCATION	THRESHOLDS
Berkeley		<ul style="list-style-type: none"> <li>Recommended in all public places</li> </ul>		
Beverly Hills		<ul style="list-style-type: none"> <li>All projects</li> </ul>	1% or \$150,000	
Brea	1988	<ul style="list-style-type: none"> <li>All projects, private commercial, industrial, and residential of 5 units or more</li> </ul>	1%	\$500,000 minimum project valuation; no maximum valuation criteria
Carlsbad		<ul style="list-style-type: none"> <li>Commercial Projects</li> </ul>	1%	\$500,000 minimum project valuation; no maximum valuation criteria
Cathedral City		<ul style="list-style-type: none"> <li>All commercial, industrial, and mixed use projects &gt;25,000 sq ft</li> <li>All public facilities constructed by the City or Redevelopment Agency</li> </ul>	<ul style="list-style-type: none"> <li>1%</li> <li>If value of piece &lt; 1%, balance paid to fund</li> <li>In lieu payment to fund in amount of 90%</li> </ul>	No limits specified
Chula Vista		<ul style="list-style-type: none"> <li>All projects, including substantial remodel projects</li> </ul>	1%	\$20,000 minimum project valuation; no maximum valuation criteria
Claremont	1997	<ul style="list-style-type: none"> <li>All subdivisions, development projects, and remodeling projects</li> </ul>	1%	\$100,000 minimum project valuation; no maximum valuation criteria
Cupertino		<ul style="list-style-type: none"> <li>Case by case analysis</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>	
Davis	1973	<ul style="list-style-type: none"> <li>All CIP projects</li> <li>Private developer projects are negotiated at time permit is issued</li> </ul>	<ul style="list-style-type: none"> <li>1% CIP projects</li> <li>2% Redevelopment Agency Projects</li> </ul>	No limits specified
Emeryville	1990	<ul style="list-style-type: none"> <li>All municipal, commercial, and industrial projects</li> </ul>	1%	\$300,000 minimum project valuation; no maximum valuation criteria
Escondido		<ul style="list-style-type: none"> <li></li> </ul>	.15 per square foot	
Fairfield		<ul style="list-style-type: none"> <li>All developments</li> </ul>	1%	No limits specified

Fremont	1987	<ul style="list-style-type: none"> <li>• All public buildings and parks</li> <li>• Optional for private development</li> <li>• Exempt: Low or moderate income housing projects</li> </ul>	1%	\$500, 000 minimum project valuation; no maximum valuation criteria
Garden Grove		<ul style="list-style-type: none"> <li>• All office, commercial, or industrial \$500,000</li> <li>• \$2500 plus \$500 for each million</li> </ul>	sliding scale	No limits specified
Laguna Beach	1986	<ul style="list-style-type: none"> <li>• Public Projects</li> <li>• Commercial or industrial development</li> <li>• Residential developments &gt;4 lots or units</li> </ul>	1%	No limits specified
Livermore	2001	<ul style="list-style-type: none"> <li>• City Public Works Projects</li> <li>• Exempt: pipelines and landscape renovation projects</li> </ul>	1%	No limits specified
Long Beach		<ul style="list-style-type: none"> <li>• Public Art – Neighborhood Murals</li> </ul>		
Menlo Park	2000	<ul style="list-style-type: none"> <li>• CIP</li> <li>• Private Commercial, Industrial, and Residential &gt;4 dwellings</li> </ul>	1%	\$250, 000 minimum project valuation; no maximum valuation criteria
Merced		<ul style="list-style-type: none"> <li>• Funded by Redevelopment Agency, \$150,000 current year, \$50,000 next year</li> </ul>		
Modesto	1993			
Mountain View	1989	<ul style="list-style-type: none"> <li>• CIP</li> <li>• Private projects requirements determined as part of conditions of approval</li> </ul>	1%	\$1,000, 000 minimum project valuation; no maximum valuation criteria
Newark		<ul style="list-style-type: none"> <li>• Residential, commercial,</li> </ul>	.26 - .41 per sq ft	No limits specified

		industrial 10,000 sq ft		
Norwalk	1989	<ul style="list-style-type: none"> <li>Public Works and Government Agency projects exempt.</li> <li>Commercial, Industrial, and residential developments of 4 or more lots or apartments, townhouses, or other dwelling units</li> </ul>	1%	\$500,000 minimum project valuation; no maximum valuation criteria
Oxnard		<ul style="list-style-type: none"> <li>All Projects</li> </ul>	1%	No limits specified
Palm Desert		<ul style="list-style-type: none"> <li>public redevelopment</li> <li>commercial and residential</li> </ul>	1% public .5% commercial .25% residential	No limits specified
Palo Alto	1977	<ul style="list-style-type: none"> <li>All municipal projects</li> <li>Planning Commission recommendations for private projects</li> </ul>		No limits specified
Pasadena	1988	<ul style="list-style-type: none"> <li>Public, private to include commercial, industrial, and mixed use projects over 25,000 square feet</li> <li>Exempt: low and moderate income housing projects, non-profit, social service institutions, adaptive re-use or rehab of existing buildings</li> </ul>	1%	\$500, 000 minimum project valuation; no maximum valuation criteria
Pleasanton		<ul style="list-style-type: none"> <li>Commercial</li> </ul>	1.5%	No limits specified
Richmond		<ul style="list-style-type: none"> <li>All developments</li> </ul>	1.5%	\$300, 000 minimum project valuation; no maximum valuation criteria
Sacramento	1983	<ul style="list-style-type: none"> <li>Capital improvement projects paid by the City to construct or remodel any building, structure, park, or parking facility within the City limits.</li> </ul>	2%	No limits specified

San Diego		<ul style="list-style-type: none"> <li>City departments negotiate in design and building projects</li> </ul>		
San Francisco		<ul style="list-style-type: none"> <li>New construction in downtown area</li> </ul>	1%	No limits specified
San Jose	1994	<ul style="list-style-type: none"> <li>Capital building and Parks construction</li> <li>City and Redevelopment Agency as well as certain Agency assisted private development projects</li> </ul>	2%	\$500,000 minimum project valuation; no maximum valuation criteria
San Luis Obispo	1990	<ul style="list-style-type: none"> <li>All CIP</li> <li>50/50 city match for private development (voluntary)</li> </ul>	1%	No limits specified
San Mateo		<ul style="list-style-type: none"> <li>Strongly encouraged to include</li> <li>Percent to be proposed</li> </ul>		
Santa Clara		<ul style="list-style-type: none"> <li>Recommend placements and purchase of public art</li> </ul>		
Santa Cruz		<ul style="list-style-type: none"> <li>All eligible CIP</li> </ul>	2%	No limits specified
Santa Monica		<ul style="list-style-type: none"> <li>All eligible Enterprise Fund CIP</li> </ul>	1%	No limits specified
Solana Beach	2001	<ul style="list-style-type: none"> <li>Scope not addressed in policy</li> </ul>	Funding not addressed in policy	
Stockton	2000	<ul style="list-style-type: none"> <li>Municipal projects</li> </ul>	2%	No limits specified
Sunnyvale	1984	<ul style="list-style-type: none"> <li>All projects</li> </ul>	1%	
Walnut Creek	1987	<ul style="list-style-type: none"> <li>CIP and private</li> <li>Recommendation that CIP budget include a block of funds dedicated to public art in existing parks, gateways, medians, city buildings, and other municipal sites</li> </ul>	<ul style="list-style-type: none"> <li>1% municipal projects</li> <li>1% for private &gt;25,000 sq ft</li> <li>.5% for private &lt;15,000-24,999 sq ft</li> </ul>	No limits specified
West Hollywood		<ul style="list-style-type: none"> <li>New commercial &gt;\$200,000</li> <li>New residential &gt;2 units/\$200,000</li> <li>All renovations \$200,000 or more</li> </ul>	1%	<ul style="list-style-type: none"> <li>New commercial &gt;\$200,000</li> <li>New residential &gt;2 units/\$200,000</li> <li>All renovations \$200,000 or more</li> </ul>



Whittier		<ul style="list-style-type: none"> <li>Commercial or manufacturing &gt; \$250,000</li> </ul>	\$20,000 or .5% (greater)	Commercial or manufacturing > \$250,000
Albuquerque, NM	1978	<ul style="list-style-type: none"> <li>CIP projects</li> </ul>	1%	No limits specified

\*The California Supreme Court has determined that requiring developers to provide art in an area of a project that is reasonably accessible to the public is, like other design and landscaping requirements, a kind of aesthetic control well within the authority of the City to impose. The City could impose such a requirement by adoption of an ordinance which imposes the requirement upon developers, sets forth certain definitions and criteria for the art, and provides for the fund's collection and administration. (From the Public Art Policy for Cathedral City)

Public Art Policy  
for the  
City of Lodi

Presentation to the  
City Council  
July 10, 2001

# The City Council believes.....

that community amenities like cultural facilities and programs, art and music festivals, parks, and restored historic areas promote the identity of Lodi

- that these amenities add vitality to the City, attract business investment, stimulate visitor trade, and increase retail activity

# The City Council recognizes the need for a Public Art Element.

- to enrich the lives of Lodi's residents and visitors
- to improve the visual quality of the built environment
- to serve as a catalyst for tourism, business relocation, and economic expansion within the community

# Economic Impact

Program can...

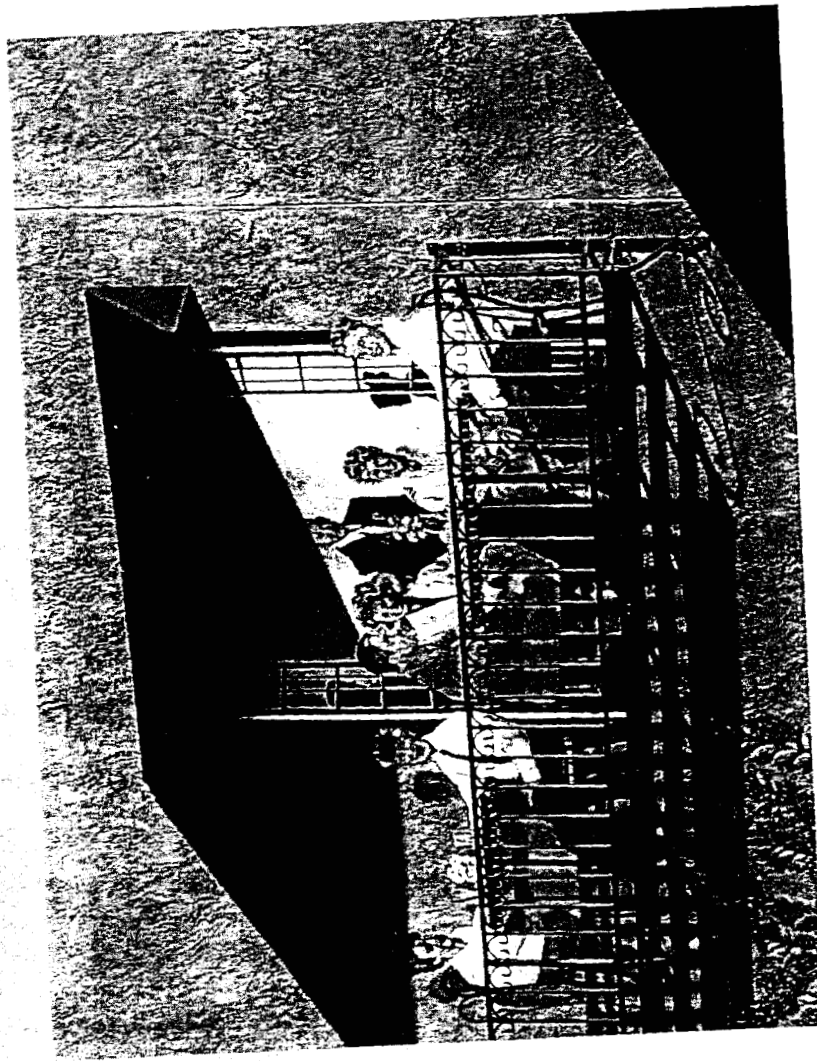
- Add economic vitality to community
- Attract investment
- stimulate visitor and tourist trade
- increase downtown retail activity
- help improve City's image

## Background

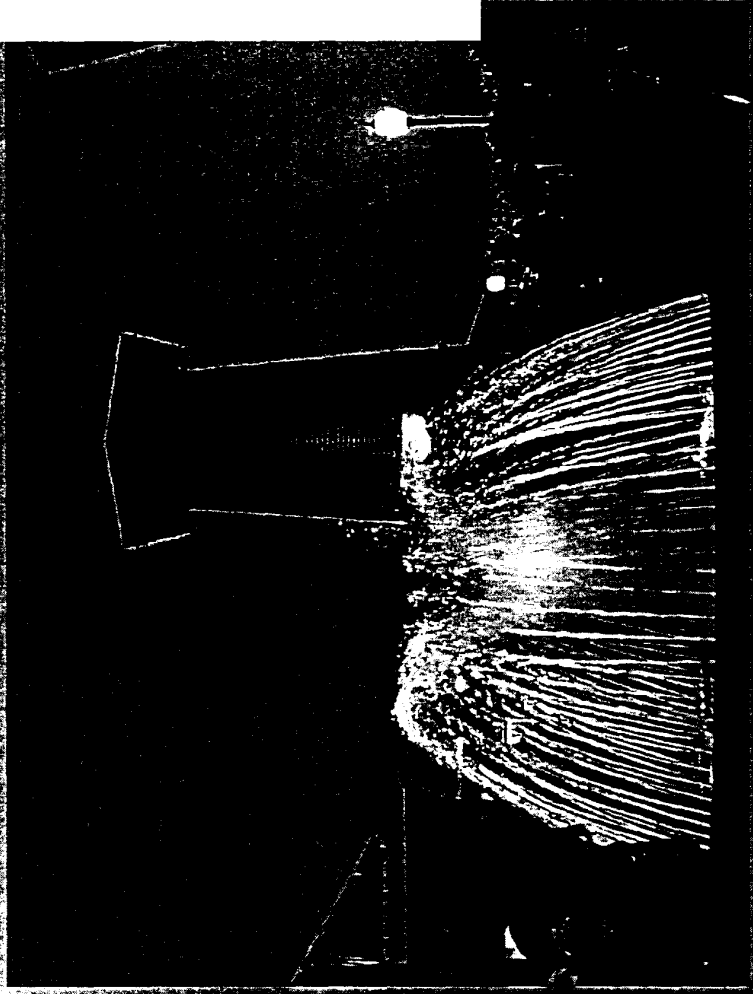
- Council directs staff to develop policy
- League of California Cities Conference, San Jose, 1999
- Creation of recent private, public, and joint projects such as<sup>1,2,3</sup>



# Mural at Cottage Bakery



# Bronze Cranes at Lodi Station



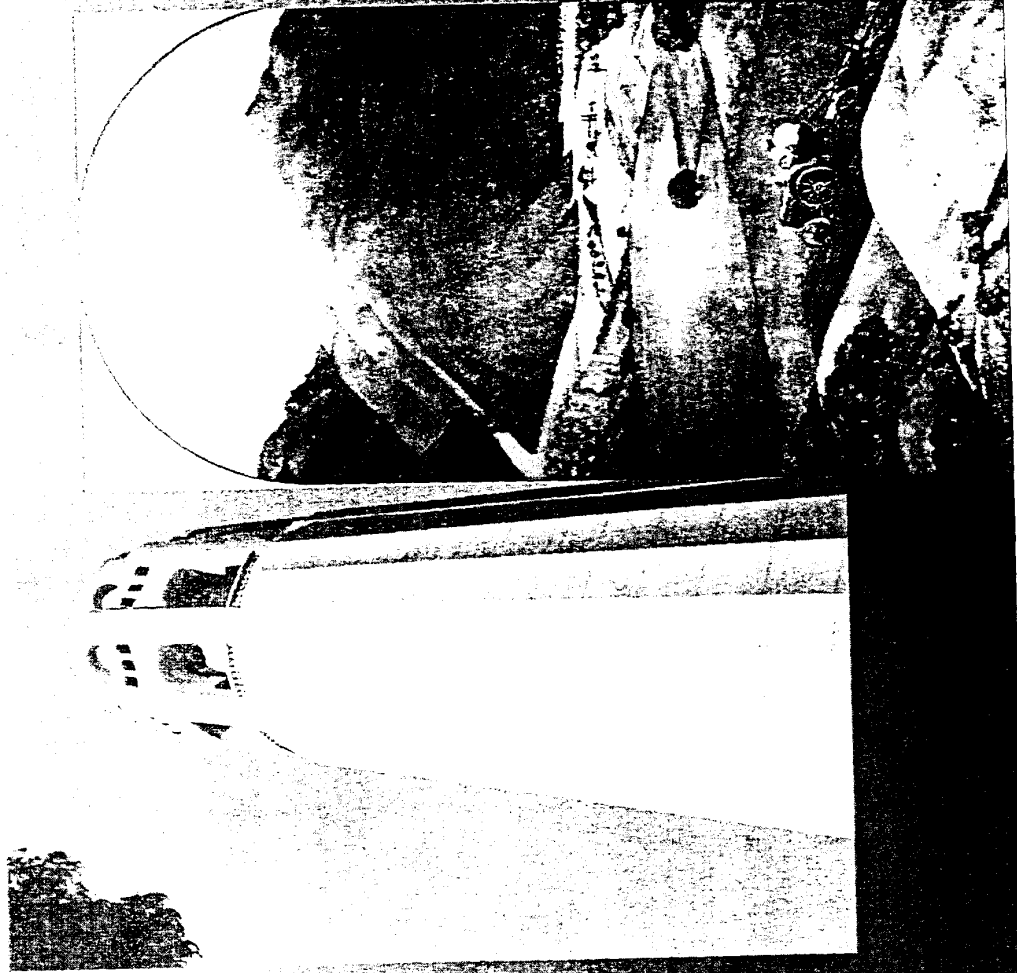


# Substation Wall Mural

funded by PG&E and the Human Services Agency of SJC  
collaborative effort of Artistic Effects, LUSD, & City Staff

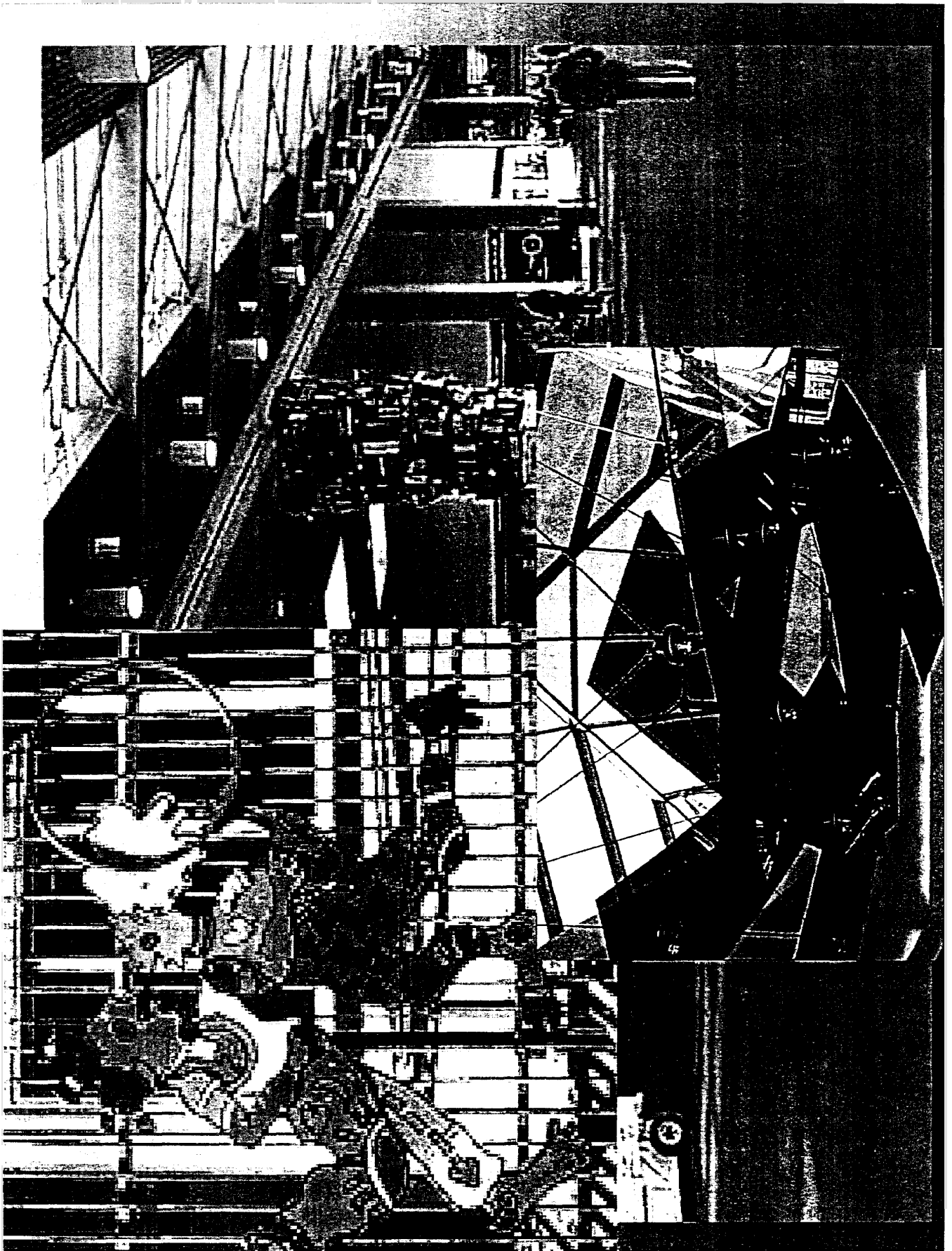


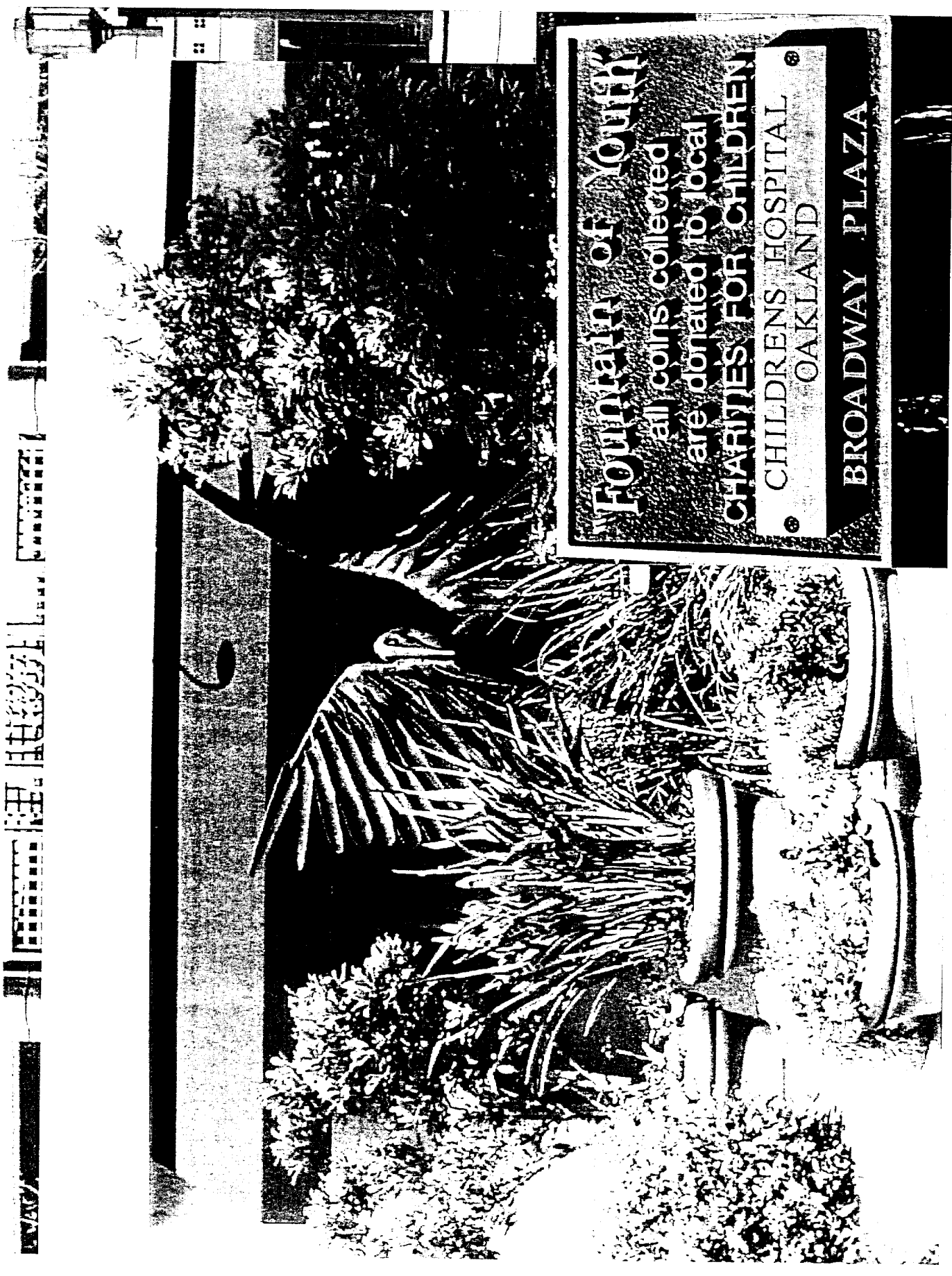
# Established Public Art Projects



"If art is to nourish  
the roots of our  
culture, society  
must set the artist  
free to follow his  
vision wherever it  
takes him."

John F. Kennedy





# "Fountain of Youth"

all coins collected  
are donated to local

CHARITIES FOR CHILDREN

CHILDRENS HOSPITAL  
OAKLAND

BROADWAY PLAZA

# Steps

- Workshops at LCC Conference, October 1999
- Reviewed policies from 24 cities
- City Staff
- Various reiterations of draft policies reviewed by Arts, Planning, and Recreation Commissions as well as local developers

# Policy Outline

## I. INTRODUCTION

### A. PURPOSE

### B. ADMINISTRATIVE POLICIES

### C. GUIDELINES FOR PUBLIC ART

### D. ELIGIBLE ARTWORKS

### E. INELIGIBLE ARTWORKS

## II. RESPONSIBILITIES

### A. GENERAL

### B. RESPONSIBILITIES

City Council

Art Advisory Board

Art Coordinator

City Departments

Artist Selection Committee

Artist

Arts, Planning, and Recreation  
Commissions

## III. FUNDING

### A. GENERAL

### B. USE OF PUBLIC ART FUND

### C. INCENTIVES FOR PUBLIC ART

### D. GRANT FUNDING

### E. DONATIONS

## IV. MANAGEMENT OF PUBLIC ART

### A. COLLECTION REVIEW STANDARDS

### B. MAINTENANCE AND CONSERVATION

### C. RESPONSIBILITIES

Artist

Art Coordinator and City Departments



# Funding

- 2% of eligible CIP designated to fund an art piece
- Significant agreement with private developers to set aside percentage of Development Impact Fees for art element
- This innovative strategy gives more flexibility to City for program development

# Program Oversight

- Arts Coordinator to oversee program
- One member each of Art, Planning, & Recreation Commissions to comprise Art Advisory Board
- Artist Selection Committee for each project



# Benefits

- Enrich the lives of residents and visitors
- Improve the visual quality of the built environment
- Positive impact on local economy

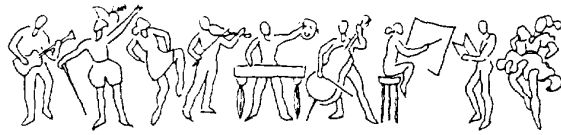
# Action

- Hope this policy exceeds Council's expectations
- Adopt Public Art Policy for the City of Lodi

To be submitted

for adoption

August 15th, 2001



## LODI ARTS COMMISSION

filed 7-10-01

June 26, 2001

Dear Mr. Flynn,

The mission of the Lodi Arts Commission is to inspire, encourage and promote the arts in the community.

On behalf of the Lodi Arts Commission, I would like to express our excitement in regards to the Art in Public Places Policy. The commission has reviewed the policy individually, as a whole, and is pleased and anxious to see the policy implemented. This will truly become an asset to the Lodi Community and one of the numerous reasons that our community is sought out as a place to live and raise a family.

We look forward to serving on the Art Policy Board.

Sincerely,

William Crabtree

Lodi Arts Commission Chair